



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re:

**Westborough SPE LLC
Debtor(s)**

**Chapter 7
23-40709-CJP**

PROCEEDING MEMORANDUM AND ORDER

MATTER:

Hybrid Hearing on #587 Motion for Declaratory Relief Concerning Non-Application of the Automatic Stay to Recover Proportionate Share of Expenses Under the Reciprocal Easement Agreement filed by Petitioning Creditor The MobileStreet Trust.

Decision set forth more fully as follows:

THE MOTION IS GRANTED IN PART AS FOLLOWS. THE COURT FINDS THAT THE AUTOMATIC STAY DOES NOT APPLY TO THE ASSERTION OF CLAIMS AGAINST THE TOWN BY MOBILE STREET TRUST UNDER A RECIPROCAL RIGHTS AGREEMENT THAT RUNS WITH THE LAND. ALTERNATIVELY, IF THE AUTOMATIC STAY WERE TO APPLY, THE COURT GRANTS RELIEF FROM THE AUTOMATIC STAY TO ASSERT SUCH CLAIMS ONLY AGAINST NON-DEBTOR PARTIES. THE COURT LIMITS RELIEF FROM THE AUTOMATIC STAY TO OBTAINING A JUDGMENT, IF APPROPRIATE, AGAINST THE TOWN OF WESTBOROUGH AS THE TITLE HOLDER. THE COURT HAS MADE NO ASSESSMENT REGARDING THE RIGHTS OF ANY PARTY OR THE ENFORCEABILITY OF THE RECIPROCAL RIGHTS AGREEMENT AGAINST THE TOWN. THIS ORDER IS WITHOUT PREJUDICE TO ANY PARTY SEEKING TO ENJOIN MOBILE STREET TRUST FROM PURSUING ANY CLAIMS AGAINST THIRD PARTIES THAT INTERFERE WITH ADMINISTRATION OF THIS CASE. FURTHER, RELIEF FROM STAY IS NOT GRANTED TO ESTABLISH ANY CLAIMS AGAINST OR AFFECT PROPERTY OF THE DEBTOR OR ITS ESTATE. ANY JUDGMENT OR OTHER DISPOSITION OF THIRD PARTY CLAIMS SHALL HAVE NO PRECLUSIVE EFFECT ON THE TRUSTEE, THE DEBTOR, OR THE ESTATE.

Dated: 04/16/2025

By the Court,

A handwritten signature in black ink, appearing to read "Christopher J. Panos", is written over a horizontal line.

Christopher J. Panos
United States Bankruptcy Judge